

**RECEIVED
CENTRAL FAX CENTER**

APR. 09 2004

BEYER WEAVER & THOMAS, LLP

INTELLECTUAL PROPERTY LAW

590 W. El Camino Real, Mountain View, CA 94040
Telephone: (650) 961-8300 Facsimile: (650) 961-8301
www.beycrclaw.com

OFFICIAL

FACSIMILE COVER SHEET

April 9, 2004

Receiver: Office Of Petitions - USPTO

TEL #:

FAX #: (703) 872-9306

Sender: Henry K. Woodward

Our Ref. No.: UCALP011X1

Re: 10/716,266

Pages Including Cover Sheet(s): 6

MESSAGE:

Please see attached Petition Under 37 C.F.R. § 1.78 To Accept Unintentionally Delayed Priority Claim.

CONFIDENTIALITY NOTE

The information contained in this facsimile (FAX) message is legally privileged and confidential information intended only for the use of the receiver or firm named above. If the reader of this message is not the intended receiver, you are hereby notified that any dissemination, distribution or copying of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify the sender at the telephone number provided above and return the original message to the sender at the address above via the United States Postal Service. Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: GENNARI, Frank E.

Attorney Docket No.:
UCALP011X1/B02-005-3

Application No.: 10/716,266

Examiner: Not yet assigned

Filed: November 17, 2003

Group: 2877

Title: METHOD OF LOCATING AREAS IN AN
IMAGE SUCH AS A PHOTO MASK LAYOUT
THAT ARE SENSITIVE TO RESIDUAL
PROCESSING EFFECTS

Confirmation No.: 6483

**RECEIVED
CENTRAL FAX CENTER****APR. 09 2004****OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted
by facsimile to fax number 703-872-9306 to the U.S. Patent
and Trademark Office on April 9, 2004.

Signed: _____

Laura M. Deza

**PETITION UNDER 37 C.F.R. § 1.78 TO ACCEPT
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully petition under 37 C.F.R. § 1.78(a) to accept an unintentionally delayed priority claim under 35 U.S.C. § 120. The following items are hereby submitted as required for this Petition:

- (i) The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed application, that being the Preliminary Amendment filed contemporaneously with the filing of this Petition, a copy of which is attached hereto;
- (ii) The surcharge of \$1,330.00 as set forth in 37 C.F.R. § 1.17(t), for which the Commissioner is hereby authorized to charge this full amount to Deposit Account 50-0388 (Order No. UCALP011X1); and
- (iii) The following statement:
The undersigned states that the entire delay between the date that a priority claim was due and the date that a claim was filed was unintentional.

REMARKS

This Petition is submitted under 37 C.F.R. § 1.78(a) to accept an unintentionally delayed claim to priority in the above-identified patent application as a continuation-in-part of co-pending application serial no.: 10/241,242, filed September 10, 2002, which claims the benefit of provisional application serial no.: 60/322,381, filed September 11, 2001.


The two priority applications were noted in the application transmittal letter for the above-identified patent application as filed, and in the first paragraph of the application. However, the relationship of the two priority applications was not expressly given, and the claim of priority to the provisional application has been denied by the Initial Patent Examination Division in a paper mailed March 31, 2004.

A Preliminary Amendment of the specification is being filed concurrently to amend the first paragraph and the claim to priority (a copy of which is attached to this petition).

The Commissioner is hereby authorized to charge the surcharge of \$1,330.00 as set forth in 37 C.F.R. § 1.17(t), and any additional fees that may be due to Deposit Account 500388 (Order No. UCALP011X1).

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(22), and the date this claim is filed was unintentional.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Henry K. Woodward
Registration No. 22,672

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300